



RFP # 2025-11
GOVERNMENT RELATIONS AND REPRESENTATION
ISSUE DATE: September 22, 2025

NOTICE TO BIDDERS:

The Albany Port District Commission (APDC) is requesting proposals from qualified vendors for government relations and representation services. Further information is contained in the Request for Proposal (2025-11) and may be obtained from the APDC by calling 518-463-8763 or online at <https://portofalbany.us/procurement>.

BIDS ARE TO BE SUBMITTED BY EMAIL TO jlansing@portofalbany.us no later than 12:00 PM noon on October 14, 2025

Albany Port District Commission
Richard Hendrick, Chief Executive Officer

APDC Mission Statement: The APDC strives to responsibly and effectively manage the publicly owned maritime Port of Albany-Rensselaer, driving the economy of the Capital Region and beyond, while emphasizing transparency and public stewardship.

Please note: Other than the contact person identified in the proposal, or their designee, prospective proposers shall not approach APDC employees or APDC Board Members during the period of this RFP process about any matters related to this RFP or any other proposals submitted thereto. Questions about or clarifications to the technical specifications must be made in writing to the lead contact, Jessica Lansing, Compliance Procurement Coordinator, at jlansing@portofalbany.us.

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INTRODUCTION

The Albany Port District Commission (APDC) invites qualified companies to submit a proposal and statement of qualifications for professional government relations and representation services. The qualified Vendor will enable the APDC to improve operational effectiveness, enhance quality of services, minimize support costs, and maximize return on investment. A contract will be awarded on a "best value" basis, price, and ability to deliver services. The APDC places greater emphasis on the experience and long-term viability of the vendor. Following negotiations, the successful vendor will be asked to enter into a contract with the APDC.

PURPOSE AND OBJECTIVES

Purpose: The intention of this RFP is to solicit responses and formal proposals from qualified companies and select a single organization to provide government relations and representation services to the APDC.

Objectives: The APDC's primary objective is to hire a company that represents the APDC's best interest in the most exceptional, experienced, and professional manner at the most cost effective and valuable price.

SCHEDULE OF EVENTS

<u>EVENT</u>	<u>DATES</u>
SOLICITATION OPEN RFP POSTED ON THE PORT'S WEBSITE, BIDNET, TIMES UNION AND THE NYS CONTRACT REPORTER	September 22, 2025
WRITTEN INQUIRIES Must be emailed to jlansing@portofalbany.us	WRITTEN INQUIRY DEADLINE: October 1, 2025 no later than 4 PM
RESPONSE TO WRITTEN INQUIRIES Responses to all questions will be sent in the form of an addendum to all parties and posted to the APDC website,	RESPONSE DEADLINE: October 3, 2025
RFP DUE DATE Proposals will be opened and evaluated for accuracy and eligibility. Awards are expected to be announced within (45) forty-five days.	PROPOSALS DUE: October 14, 2025 No later than 12:00 noon
POTENTIAL INTERVIEWS By appointment. Vendors may be contacted for appt.	Completed By: October 20, 2025

BACKGROUND:

The Port of Albany, New York is a year-round, international seaport located on the upper Hudson River approximately 124 miles from the Battery in New York Harbor. A variety of bulk cargoes such as molasses, liquid fertilizer and scrap iron as well as break-bulk cargoes of heavy lift, project, over-dimensional, energy generation equipment, steel and wood pulp move through the Port of Albany. In the past 5-10 years the Port of Albany has increased its maritime operating district by 25%, invested substantially in maritime infrastructure systems and also expanded the district's land size by 50%. The Port is a critical economic engine for New York and seeks to continue development, growth and the creation of long-term value for the organization, customers, markets, and relationships and the Capital Region.

The APDC is the government entity (public authority) charged with operating the Port of Albany. Created by the Laws of the State of New York in 1925, the Commission consists of five members, four appointed by the Governor upon nomination of the Mayor of Albany, and one appointed by the Governor upon nomination of the Mayor of Rensselaer.

Facilities under the jurisdiction of the Commission include approximately 425 acres of land on both the east and west sides of the Hudson River, in the Cities of Albany, Rensselaer and the Towns of Bethlehem and East Greenbush, with approximately 3,400 linear feet of wharf and river frontage on the Albany (west) side, 500 linear feet in planning stage in the Town of Bethlehem, and 1,200 feet of wharf on the Rensselaer (east) side of the Hudson River, a fresh water draft of 30 feet, nearly 400,000 square feet of covered maritime storage space, a 25 acre paved marine terminal, 20 mile standard gauge switching railroad jointly owned by CSX and CP Rail operating as the Albany Port Railroad Corporation, two mobile harbor cranes and a multitude of infrastructure investment, construction projects planned or underway.

SCOPE:

The APDC is seeking proposals for services that include:

1. Representation and advocacy of the APDC before local, state, and government entities.
2. Assist the APDC with developing and implementing appropriate strategies related to communicating with local, state and federal government entities and if applicable public-private partnership or initiatives.
3. Monitoring, proposing or advocating for legislative, statutory and regulatory revisions, adoptions, cancellations/passage/defeat as may be appropriate for the interests of the APDC.
4. Identify potential funding sources or resource development at all levels of government that may be beneficial to the APDC and where possible, assist the APDC in advocating for and securing such funding assistance or resource development.
5. All related operational, management, administrative and communication functions to succeed in items #1 through #4.
6. Possible additional services may include the ability to perform or assist in the communications and/or support efforts of the APDC to enhance APDC's visibility and stakeholder engagement at the regional and state level ensuring APDC's priorities are clearly articulated and aligned with state economic and environmental goals, such as maritime commerce, manufacturing, clean energy and workforce development.

BIDDER QUALIFICATION REQUIREMENTS:

1. The Prospective Bidder shall submit with its bid satisfactory evidence that it has previous experience and possesses adequate financial resources and organization as herein specified to perform the type, magnitude, quality and detail of services required.
2. The Prospective Bidder shall have a minimum of (10) ten years of service in the field of Government Relations and in representing New York State Public Authorities and entities involved with the transportation/maritime industry. Expertise and a record of success in securing infrastructure funding, negotiating and/or resolving authority or interagency communications or related matters that may include providing expertise in communications to enhance APDC's visibility and stakeholder engagement at the state level.
3. The prospective bidder shall meet the following qualifications:
 - A. Provide evidence that it has maintained or has been in a leadership position of an organization(s) capable of performing the work hereinafter described and been in this continuous operation and service field for at least the past ten (10) years.
 - B. Provide the names of the employees responsible for this contract, their function in the company, title, and number of years with the bidder's firm. Identify the primary contact and representative lead for the work and the associated proposed team for this contract and relationship.
4. Prospective Bidders are advised that the APDC's intent in having requirements 1 through 3 above is to ensure that only qualified and reliable bidders perform the work on the contract. The APDC recognizes that there may be equally qualified and reliable bidders who do not meet all of the above requirements specifically as stated above but may in fact meet the objectives and criteria intended in some other manner. However, the Prospective Bidders shall have the burden of demonstrating to the APDC's satisfaction that it can in fact perform the work. This shall be in the form of written statements as to the Prospective Bidder's experience, identification of references, listing of previous/existing contracts, etc. such that APDC can evaluate the Prospective Bidder's ability. All statements made by the Bidder must be able to be independently verified by APDC.
 Note: Any Prospective Bidder failing to submit in whole or in part the above statements attesting to its qualifications may result in a rejection of the bid of that Bidder.

PROPOSAL CONTENT & FORMATFormat:

Proposals should include a Table of Contents, and all pages should be numbered.

Proposals should be saved in PDF format and sent via email to jlansing@portofalbany.us

PLEASE PUT THE FOLLOWING IN THE SUBJECT LINE: Your Company Name: RFP#2025-11

Content:

All Proposals should include the following:

1. Title Page: That includes name, address, phone, email of the bidder including contact person and name(s) of the person who prepared the proposal.
2. Table of Contents: Outlining each section
3. Executive Summary: Brief description of the services available and highlight the strengths and capabilities of your firm to provide the requested services.

4. Qualifications of Bidders: Provide a description of how the bidder meets all of the qualifications in bidder qualification section of this RFP.
5. Specific Requirements: Describe how the bidder meets each of the criteria in evaluation criteria section of this RFP.
6. Proposed Cost of Services: Outline the annual cost of service and breakdown in detail any pertinent facts or factors related.

RECEIPT OF PROPOSALS:

Those submitting proposals do so entirely at their expense. Submission of any proposal indicates acceptance of the conditions and terms stated herein unless clearly and specifically noted otherwise. The APDC reserves the right to reject any and all proposals, in whole or in part, submitted in response to this RFP. Proposals will be examined and evaluated by APDC staff.

- A. Emailed proposal packages must be received by APDC, to jlansing@portofalbany.us

NO LATER THAN 12:00 PM noon on October 14, 2025. Subject Line must be clearly labeled with your company name and reference # **RFP 2025-11**

- B. Vendors are responsible for submitting their bids to the exact location indicated on the “Notice to Bidders” prior to the time indicated in the “Notice to Bidders”. No bids will be accepted after the designated time indicated in the “Notice to Bidders”. NOTE: This includes any changes listed on the latest addendum issued by the APDC, if any. **Delay in email delivery is not an exception to the deadline for receipt of bids.**
- C. All proposals and accompanying documentation will become APDC property and will not be returned.
- D. Vendors are solely responsible for all costs incurred by preparing or submitting a bid, or otherwise responding to this RFP, or any negotiations incidental to its bid acceptance thereof.
- E. The APDC is subject to New York State’s Freedom of Information Law (FOIL). Should your submission to this RFP contain “trade secrets”, or other information that the disclosure of which could reasonably be expected to be harmful to business interests, you must ensure that such information is clearly identified and marked as such. Identification must be specific by item or paragraph. Should marked information be the subject of a request under FOIL, you may be requested to either consent to the request or make representation explaining why the information should not be disclosed.
- F. An official authorized to commit the company to a contract must sign the proposal and all related proposal documents.
- G. Emailed copies of all bids shall be submitted, OF WHICH MUST CONTAIN ORIGINAL SIGNATURES, including completed copies of any forms or certifications required for this RFP. Failure to respond to an RFP on any official form included in this RFP may result in disqualification of a bid as non-responsive. No bid form will be accepted which contains any additions, omissions, or erasures. Each bid shall be properly executed and signed by the bidder. Illegible, conditional bids and unsigned bids will be rejected as non-responsive. ELECTRONIC PROPOSALS OR BID RESPONSES ARE EXPECTED; FAX OR MAIL DOCUMENTS WILL NOT BE ACCEPTED FOR THIS BID OPENING.

- H. Vendors must notify APDC of any omissions, contradictions, or conflicts in consistency with the written inquiry due date noted in the event schedule of this document. APDC will provide necessary corrections or additions to plans and specifications by addendum. If Vendor does not notify APDC of any such condition it will be assumed that the vendor has included the necessary items in the bid to complete the specification.
- I. The APDC reserves the right to any of the following:
1. utilize any and all ideas submitted in the proposals received;
 2. negotiate with bidders responding to this RFP to serve the best interests of the APDC;
 3. cancel this Request for Proposal for any reason; and
 4. reject any and all bids.
- J. All proposals and accompanying documentation will become APDC property and will not be returned. The successful bidder's proposal and a copy of this RFP will be made part of any resulting contract. Therefore, an official authorized to commit the company to a contract must sign the proposal.

METHOD OF AWARD

Proposals will be evaluated based on a review of each bidder's written response according to the criteria described below. Following such review, oral interviews may be conducted with those bidders, who, based on the evaluation of their written submissions, could serve the best interests of the APDC. Following potential oral interviews, a potential awardee (s) will be selected. Such award will be subject to the potential awardee (s) and APDC being able to reach final agreement and execute a resultant contract.

EVALUATION CRITERIA

1. Approach and Scope of Services (maximum possible scope of 20 points):

Extent and quality of services available, to which such services, as well as the bidder's strengths and capabilities meet APDC needs and interests.

2. Experience : (maximum possible score of 35 points):

a.)Quality, extent and relevance of Bidder's experience in providing similar services for clients in similar situations to the APDC and whether such services previously provided were successful.

b.) Quality, extent and relevance of experience, education, and training of key person or personnel relative to specific requirements of this RFP.

3. Organization, Staffing and Management (maximum score of 20 points).

Quality of organization and management; extent to which they will ensure that the services are delivered in a successful and timely manner as evidenced by the:

- a) Plan for directing and controlling for the effort;
- b) Quality of interaction with APDC/customer service.

4. Cost to the APDC (maximum score of 25 points).

- In cases where two or more responsive/ responsible bidders submit identical bids as to price, the APDC may award the contract to any such bidders.
- The APDC reserves the right to request additional information from bidders for the purpose of ascertaining whether or not the qualifications, facilities, and pricing offered by each bidder meet the requirements set forth in these specifications, sufficient to insure the proper performance under the contract.

AWARD OF BID

The award, if any, will be made within (45) forty-five calendar days of the opening date. All successful vendors shall be notified by the APDC of any contracts they have been awarded. An award letter will be sent to all successful Vendors by US mail. Unsuccessful bidders will be notified after a contract award is made.

TERM OF CONTRACT

All Vendors submitting proposals shall agree that their pricing will remain firm for 60 days from proposal submission and throughout the duration of the contract.

The term of the contract shall be for a period of (3) three years with (2) two (1) one-year extensions upon mutual agreement between the Vendor and the APDC. This contract and the potential renewals will be executed upon approval of the APDC Board of Commissioners.

TERMINATION CLAUSE

The APDC reserves the right to terminate any contract and use an alternate or secondary source, should the awarded Vendor become unable to perform. The APDC may terminate their contract with cause upon notification in writing. The APDC may further terminate the contract without cause on thirty (30) days' notice in writing.

NOTIFICATION OF AWARD

The successful bidder will be advised by the APDC through a "Letter of Intent to Award." Such award will be contingent on the prospective awardee executing a written contract with the APDC providing the terms and conditions of these services.

BIDDER DEBRIEFING

Unsuccessful bidders will be notified after a contract award is made.

PROPOSAL SECURITY

The content of each bidder's proposal will be held in strict confidence during the bid evaluation.

CONTRACT

The award of the contract to the successful bidder will be contingent on the execution of a suitable contract. Failure to execute a contract within a reasonable period of time after notification of award will result in the bidder being disqualified.

ADMINISTRATIVE AND REPORTING REQUIREMENTS: The Contractor will be responsible, at no cost to the APDC, for the completion of a variety of administrative and reporting requirements, as reasonably requested by the APDC during the Contract Period

REQUIREMENTS AND GOVERNING LAWS

All bidders are required to comply with all applicable provisions of all local laws, the State of New York laws, and the United States of America laws in particular but not limited to the State's Labor Law, Workman's Compensation Law, State Unemployment Insurance Law, Environmental Law, and all State and Local Health Laws, rules and regulations.

1. The APDC will make no allowance or concession to the Contractor for any alleged misunderstanding of this RFP.
2. **NON-DISCRIMINATION REQUIREMENTS.** To the extent required by Article 15 of the Executive Law (also Known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, of this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it nor its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of \$50.00 per person per day for any violations of Section 220-e or Section 2399 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.
3. The Albany Port District Commission reserves the right to reject any and all bids based upon the best interest of the APDC and in such instance, may or may not re-bid work.
4. **MWBE/SDVOB REQUIREMENTS**
Pursuant to New York State Executive Law Article 15-A, the APDC recognizes its obligation under the law to promote opportunities for maximum feasible participation of certified minority- and women-owned businesses (MWBEs) in the performance of APDC contracts. The APDC advises all potential service providers that disadvantaged, minority and women-owned business enterprises will be afforded full opportunity to submit proposals in response to this notice and there will be no discrimination on the basis of race, creed, color, sex, national origin, disability or marital status in the award of the contract or any subcontract.

For purposes of this procurement, the APDC conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by MWBEs as subcontractors or service providers to Bidders. Nevertheless,

Bidders are encouraged to make good faith efforts to promote and assist in the participation of MWBEs on the Contract. The directory for New York State Certified MWBEs can be viewed at: <https://www.osc.ny.gov/state-vendors/resources/minority-and-women-owned-business-enterprises-mwbes>

Veteran's Services Law Article 3 provides for more meaningful participation in public procurement by certified Service- Disabled Veteran-Owned Businesses ("SDVOBs"), thereby

further integrating such businesses into New York State's economy. The APDC recognizes the need to promote the employment of service-disabled veterans and to ensure that certified service-disabled veteran-owned businesses have opportunities for maximum feasible participation in the performance of APDC contracts. In recognition of the service and sacrifices made by service-disabled veterans and in recognition of their economic activity in doing business in New York State, Bidders are strongly encouraged and expected to consider SDVOBs in the fulfillment of the requirements of the Contract. Such participation may be as subcontractors, as protégés, or in other partnering or supporting roles.

For purposes of this procurement, the APDC conducted a comprehensive search and determined that the Contract does not offer sufficient opportunities to set specific goals for participation by SDVOBs as subcontractors or service providers to Bidders. Nevertheless,

Bidders are encouraged to make good faith efforts to promote and assist in the participation of SDVOBs on the Contract. The directory of New York State Certified SDVOBs can be viewed at: <https://ogs.ny.gov/Veterans/>.

5. All Vendors submitting proposals shall agree that their pricing will remain firm for 60 days from proposal submission and throughout the duration of the contract.
6. The Vendor shall not reassign any award made as the result of this RFP without the prior written consent from APDC.
7. The Vendor shall comply with all laws, ordinances, rules, regulations bearing on the conduct of the work specified in this RFP.
8. TAX ON MATERIALS: The APDC is exempt from Federal and State Sales Taxes. Such Taxes shall not be included within the bid prices or within invoices.
9. The provisions of Section 220 of the State's Labor Law are deemed a part of every proposal with the same force and effect as if set forth at length. Pursuant to Article 8 of the New York State Labor Law, no laborer, workman, or mechanic in the employ of the contractor, subcontractor, or other person doing or contracting to do the whole or part of the work contemplated by the contractor shall be permitted or required to work more than eight (8) hours in any one (1) calendar day or more than five (5) days in any week, except on cases of extraordinary emergency including fire, flood, or danger to life or property. No such person shall be employed more than eight (8) hours in any day or than five (5) days in one week except in such emergency. The wages to be paid for a legal day's work to laborers, workman or mechanic employed by the contractor, subcontractor, or other person performing the contract shall be provided the supplements required by that Article.
10. EMPLOYEE VERIFICATION REQUIREMENTS: All vendors providing services and/or products to the APDC under any contract resulting from an award of the attached bid are required to comply with all State, Federal, and local laws, rules and regulations as they pertain to the verification of the ability of each employee to legally work in this state and country. This includes all employees, subcontractors and their employees engaged in work covered by said contract. All vendors shall, upon request, supply the APDC with certified copies of Federal form I-9 for all employees, subcontractors, and their employees. These forms should be on file at the vendor's home office and are available online at <http://usics.gov/files/form/i-9.pdf>. By submitting a bid for consideration by the APDC the vendors acknowledge that they have complied with and will continue to comply with all regulations and statutes concerning the verification of the employee status.
11. INDEMNIFICATION: The successful proposer shall defend, indemnify, and save harmless the APDC, its officers, directors, members, employees and agents, from and against all claims, suits, damages, liabilities, losses, expenses (including without limitations, reasonable attorneys' fees) arising out of, or in consequence of, any negligent or intentional act or omission of the successful

proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses, and expenses.

12. **JUDGEMENTS/LEGAL FINDINGS:** By submitting this bid for consideration, the vendor affirms that they currently have no judgements or other legal findings nor have any pending judgements or other legal findings against the company, its executives or any other person that will be employed in any fashion as a part of this contract, with any federal, state, or local government entities that in any way could impact or have the potential to impact their ability to legally complete any contract awarded them as a result of this bid. Failure to disclose any such judgments and or findings will result in the termination of any contracts and other penalties as deemed legal and appropriate by the APDC.
13. **INSPECTION:** Inspection and approval by the Owner, of finished Work or of Work being performed, or of materials and equipment at the place of manufacture or preparation, shall not relieve the Contractor of its obligation to perform the Work in strict accordance with the Contract or of its obligation to protect its Employees from injury or harm for work performed under this Contract. Finished or unfinished Work not found to be in strict accordance with the Contract shall be replaced as directed by the Owner, even though such Work may have been previously approved and paid for. Such corrective work is Contract Work and shall not be deemed Extra Work.
14. **RESPONSIBILITY OF VENDOR:** The vendor shall be responsible for all labor, material, tools, supervision, and transportation to complete the scope of the work related to this project. The vendor shall adhere to all applicable local, state, and federal regulations in effect at the time the work is done. The vendor shall maintain all required insurance coverage during the life of the contract.
15. **USE OF BRAND NAMES:** References in the specifications to a particular trade name, manufacturer's catalog or model number are made for descriptive purposes to guide the bidder in interpreting the type and quality of materials or supplies or nature of work desired. Such descriptions should not be construed as excluding bids on other types of materials and supplies or for performing the work in a manner other than specified, providing that the materials and supplies and manner of performing the work are offered are of equal quality to that specified and equally acceptable to the APCD for its purposes. Exceptions must be clearly stated. The APCD will determine equal products or services.
16. **GUARANTEE:** The contractor shall guarantee that the material/equipment offered is standard new equipment, latest model of regular stock product and in current production and includes all parts regularly used with this type of equipment also that no attachment or part has been substituted or applied contrary to manufacturer's recommendations and standard practice.
17. The successful vendor must comply with all clauses stated in Appendix A (NYS Clauses for Standard Contracts).

INSURANCE REQUIREMENTS

The successful Vendor hereby agrees that they will obtain and present proof of Workers' Compensation Insurance for all employees on-site prior to the commencement of work (e.g., independent (employee) contractors are not acceptable). This contract shall be void and of no effect unless the Contractor secures and delivers a certification of insurance dated within ten (10) days of the date of the signing of the contract, and Contractor shall maintain such insurance policies as will protect themselves, their subcontractors and, unless specified otherwise, the APDC (the owner), including their agents, servants and employees, from any and all claims for Bodily Injuries, Death or Property Damage which may arise from operations under this contract whether such operations be by himself/herself or by any subcontractor or anyone employed by him/her directly or indirectly, or any other party who may be injured, claim injuries or die. All policies shall name the Albany Port District Commission as an additional insured on a primary and non-contributory basis. The policies below are required to be maintained for the life of the contract.

The successful bidder will maintain Worker's Compensation during the life of any contract entered as a result of this bid, for the benefit of the bidder's employees.

The following insurance policies are required:

- (1) Workers' Compensation Insurance with statutory limits and employers' liability coverage.
- (2) Commercial general liability (CGL) insurance including comprehensive form, premises- operations and broad form contractual with minimum limits of Two Million Dollars (\$2,000,000) each occurrence and Two Million Dollars (\$2,000,000) annual aggregate.

The Albany Port District Commission shall be included as insureds on the CGL, using ISO Additional Insured Endorsement CG 20 38 (04/13) or an equivalent coverage to the additional insureds. This insurance for the additional insureds shall be as broad as the coverage provided for the named insured Vendor/Contractor. It shall apply as primary insurance before any other insurance or self-insurance, including any deductible, maintained by, or provided to, the additional insured.

- (3) Automobile liability insurance for owned, hired, and non-owned vehicles with minimum limits of not less than One Million Dollars (\$1,000,000) combined single limit for bodily injury and property damage.
- (4) Umbrella or Excess liability insurance with a limit of Two Million Dollars (\$2,000,000) per occurrence and a general aggregate of Two Million Dollars (\$2,000,000).

Umbrella coverage must include as insureds all entities that are additional insureds on the CGL. Umbrella coverage for such additional insureds shall apply before any other insurance or self-insurance, including any deductible, maintained by, or provided to, the additional insured other than the CGL, Auto Liability and Employers Liability coverage maintained by the Subcontractor.

- (5) Disability Benefits- New York State Statutory Requirements.

The Albany Port District Commission shall be listed as an additional insured on a primary and noncontributing basis on all policies. All insurance certificates shall be submitted prior to commencement of work.

PROPOSAL COMMUNICATION , RESTRICTIVE PERIOD, LEGAL PROVISIONS FOR PROCUREMENT CONTRACTS, AND OFFERER RESPONSIBILITY:

Pursuant to New York State Finance Law §§139-j and 139-k, this request for proposals (“RFP”) includes and imposes certain restrictions on communication between a Governmental Entity and an Offeror/Bidder during the procurement process. An Offeror/Bidder is restricted from making contacts from the earliest notice of intent to solicit offers through final award and approval of the Procurement Contract by the APDC and, if applicable, Office of the State Comptroller (“restricted period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law §139-j (3) (a). The designated staff member for this RFP is (Jessica Lansing, Compliance Procurement Coordinator.) Governmental Entity employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the Offeror/Bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection of a contract award and in the event of two findings within a four-year period, the Offeror/Bidder is debarred from obtaining governmental Procurement Contracts. Further information about these requirements can be found in the appropriate statutes and on the New York State Office of General Services website under the link for the “Advisory Council on Procurement Lobbying.”

Additionally, the above law requires certain affirmations to be provided to the APDC by Offerors/Bidders and that certain provisions are contained within any contract/award resulting from this RFP. Specifically, the following information is provided:

1. All bidders must complete a “Bidder Questionnaire” with a signature/notary public acknowledgement.
2. The APDC must obtain from all Offerors/Bidders the required affirmation of understanding and agreement to comply with procedures on procurement lobbying restrictions regarding permissible contacts in the restricted period for a procurement contract in accordance with New York State Finance Law §§139-j and 139-k.
3. The APDC must include a disclosure request regarding prior non-responsibility determination in accordance with New York State Finance Law §139-k in its solicitation of proposals or bid documents or specifications or contract documents, as applicable, for procurement contracts.
4. The APDC must obtain from all Offerors a required certification that the information is complete, true, and accurate regarding any prior findings of non-responsibility, such as non-responsibility pursuant to New York State Finance Law §139-j. The Offeror/Bidder must agree to the certification and provide it to the procuring Government Entity.
5. New York State Public Authority Law § 2878 requires that all bidders on procurements involving goods and services complete a “Non-Collusive Bidding Certification.”
6. New York State Law §139-k (5) provides that every procurement contract award subject to the provisions of New York State Finance Law §§139-k and 139-j shall contain a provision authorizing the Governmental Entity to terminate the contract in the event that the certification is found to be intentionally false or incomplete. An example of such language is provided below:

The APDC reserves the right to terminate this contract in the event it is found that the certification filed by the Offeror in accordance with New York State Finance Law §139-k was intentionally false or intentionally incomplete. Upon such finding, the APDC may exercise its termination right by providing written notification to the Offeror in accordance with the written notification terms of this contract.

Forms meeting the requirements of 1-6 are provided below. All bids submitted must contain these completed forms to be considered responsive – failure to include any of these forms will result in the bid being rejected without any further review or consideration.

ALL ENCLOSED FORMS MUST BE COMPLETED, SIGNED AND INCLUDED WITH THE BID PROPOSAL
Failure to Complete ALL forms and ALL Insurance Certificates may result in rejection of bid proposal.

BID PROPOSAL FORM-(2 pages)

EXHIBIT A	BIDDER'S QUESTIONNAIRE
EXHIBIT B	CORPORATE PARTNERSHIP OR INDIVIDUAL ACKNOWLEDGEMENT
EXHIBIT C	APDC PERMISSIBLE CONTACTS
EXHIBIT D	OFFERER CERTIFICATION
EXHIBIT E	NON-COLLUSIVE BIDDING CERTIFICATION
EXHIBIT F	DISCLOSURE OF PRIOR NON- RESPONSIBILITY DETERMINATION
EXHIBIT G	IRAN ENERGY SECTOR DIVESTMENT COMPLIANCE
EXHIBIT H	CERTIFICATION REGARDING SEXUAL HARRASSMENT
EXHIBIT I	ENCOURAGING USE OF NYS BUSINESSES IN CONTRACT PERFORMANCE EXHIBIT J
EXHIBIT K	WORKERS COMPENSATION INSURANCE CERTIFICATION (3 PAGES)

Appendix A: NYS Clauses for Government Contracts

PROPOSAL BID FORM (Page 1)

COMPANY NAME: _____

ADDRESS: _____ CITY, STATE, ZIP: _____

TELEPHONE NO.: _____ EMAIL: _____

DIRECT CONTACT REPRESENTATIVE TO ORDER: _____

SIGNATURE AND TITLE: _____ DATE: _____

Firm's Federal ID Number or Social Security Number as applicable: _____

Firm's NYS SFS Vendor Identification Number: _____

1. The Vendor hereby declares that it has carefully examined all Bidding and Contract Documents therein, has satisfied itself as to all conditions, and understands that in signing this Proposal, it waives all right to plead any misunderstanding regarding the same.
2. The Vendor further understands and agrees that it is to perform and complete all work in accordance with the Contract Documents and to accept in full compensation in the amount and rates listed in this document with no further compensation.
3. By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of joint bid, each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief: (a) the prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor; (b) unless otherwise required by law, the prices have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and (c) no attempt has been made or will be made by the bidder to induce any person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.
4. The bidder agrees that if awarded the Contract, it will commence work upon receipt of the Notice to Proceed and that it will fully complete the work by the date stated or within the duration herein, as applicable.
5. The bidder acknowledges the receipt of the following addenda but agrees that it is bound by all addenda whether or not listed herein.

Addendum Number	Date	Addendum Number	Date
_____	____/____/____	_____	____/____/____

6. The bidder affirms that it understands and agrees to comply with the procedures of Albany Port District Commission relative to permissible contacts as required by Sections 139-j(3) and 139-j-(6)(b) of the State Finance Law.

7. The bidder certifies that all information provided or to be provided to Albany Port District Commission in connection with this procurement is, as required by Section 139-k of the State Finance Law, complete, true and accurate.

(Legal name of person, partnership, joint venture, corporation, or LLC) (If corporation, affix corporate seal)

By _____
_____ Title
_____ (Signature)

BID PROPOSAL FORM (PAGE 2)

Check: Is Firm NYS-Certified* MBE? ☐ Yes WBE? ☐ Yes SDVOB? ☐ Yes

Note: A copy of the current certification must be included in the proposal packet.

Note: Please indicate whether you believe that any information supplied herein is confidential and should be exempt from disclosure under the Freedom of Information Law.

☐ Yes ☐ No

If “yes”, you must identify the information you feel is confidential by placing an asterisk (*) in front of the appropriate number(s) and you are requested to attach an additional sheet(s) upon which the basis for such claim(s) is explained.

PLEASE UTILIZE THIS SECTION TO INDICATE ANY DEVIATIONS YOU MAY HAVE FROM THE RFP SPECIFICATIONS:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

EXHIBIT A : BIDDER QUESTIONNAIRE

1. Are you a New York State resident business?	Yes	N
2. Total number of people employed by your firm?		
3. Total number of people employed by your firm in New York State?		
4. Is your company independently owned and operated?	Yes	No
5. Is your firm at least 51% owned and controlled by women, or 51% owned and controlled by minority group members, i.e., Black, Hispanic, Asian, Pacific Islander, American Indian, and Alaskan Native? If yes, _____ Minority Owned _____ Women Owned If yes, have you been certified or registered? _____ Yes _____ No If yes, List certificate or registration authority:	Yes	No
6. Within the past five years has your firm, any affiliate, any predecessor company or entity, owner, director, officer, partner, or proprietor been the subject of:	(Circle any that apply. If "Yes", describe using additional pages.)	
a. An indictment, judgment, conviction, or a grant of immunity, including pending actions, for any business- related conduct constituting a crime under local, state, or federal law?	Yes	No
b. A federal, state, or local government suspension or debarment, rejection of any bid or disapproval of any bid or disapproval of any proposed subcontract, including pending actions, for lack of responsibility, denial, or revocation, of pre-qualification or a voluntary exclusion agreement?	Yes	No
c. Any federal or state determination of a violation of any public works law or regulation, or labor law or regulation, or any OSHA violation deemed "serious or willful"?	Yes	No
d. A consent order with NYS Department of Environmental Conservation, or a federal or state enforcement determination involving a violation of federal or state environmental laws?	Yes	No
7. Is your firm owned by a service-disabled veteran? If yes, have you been certified or registered? If yes, List certificate or registration authority: _____	Yes	No
	Yes	No

BIDDERS SIGNATURE _____**Print Name** _____**Title** _____**Date** _____**Address** _____**Federal ID #** _____

EXHIBIT B:**CORPORATE, PARTNERSHIP OR INDIVIDUAL****ACKNOWLEDGMENT STATE OF)****) SS;****COUNTY OF)**

On the _____ day of _____ in the year 20 ____, before me personally appeared:
 _____, known to me to be the person who executed the foregoing
 instrument, who, being duly sworn by me did depose and say that ____ he resides at _____
 _____, City/Town of _____,
 County of _____, State of _____; and further that:

(Check One)

☐ (If an individual): ____ he executed the foregoing instrument in His/her name and on his/her behalf.

☐ (If a corporation): ____ he is the _____ of _____, the corporation
 described in said instrument; that, by authority of the Board of Directors of said corporation, _____ he
 is authorized to execute the foregoing instrument on behalf of the corporation for purpose set forth
 therein; and that, pursuant to that authority, _____ he executed the foregoing instrument in the
 name of and on behalf of said corporation as the act and deed of said corporation.

☐ (If a partnership): ____ he is the _____ of _____, the corporation
 described in said instrument; that, by the terms of said partnership, _____ he is authorized to
 execute the foregoing instrument on behalf of the partnership for the purpose set forth therein; and
 that, pursuant to that authority, _____ he executed the foregoing instrument in the name
 and on behalf of said partnership as the act and deed of said partnership.

 Notary Public

EXHIBIT C

Offeror affirms that it understands and agrees to comply with the procedures of the APDC relative to permissible Contacts

By: _____ Date: _____

Name: _____

Title: _____

Offeror/Bidder Name: _____

Offeror/Bidder Address: _____

Exhibit D

Offeror Certification:

I certify that all information provided to the APDC with respect to State Finance Law §139-k is complete, true, and accurate.

By: _____ Date: _____

Name: _____

Title: _____

Offeror/Bidder Name: _____

Exhibit E**NON-COLLUSIVE BIDDING CERTIFICATION**

(Reference: Public Authorities Law Section 2878)

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief:

1. The prices and terms in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
2. Unless otherwise required by law, the price and term which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly, or indirectly, to any other bidder or to any competitor; and
3. No attempt has been made or will be made by the bidder to induce any other person, partnership, or corporation to submit or not submit a bid for the purpose of restricting competition.

Signature: _____

Date: _____

Title: _____

NAME OF BIDDER_____
ADDRESS OF BIDDER

EXHIBIT F:**Albany Port District Commission****106 Smith Boulevard ● Albany, New York 12202****Offeror Disclosure of Prior Non-Responsibility Determinations**

Name of Individual or Entity Seeking to Enter into the Procurement Contract: _____

Address: _____

Name and Title of Person Submitting this Form: _____

Project Number: _____

Date: _____

1. Has any Governmental Entity made a finding of non-responsibility regarding the individual or entity seeking to enter into the Procurement Contract in the previous four years?

☐

No

☐

Yes

If yes, please answer the next questions:

2. Was the basis for the finding of non-responsibility due to a violation of State Finance Law Section 139-j: No Yes

☐☐

3. Was the basis for the finding of non-responsibility due to the intentional provision of false or incomplete information to a Governmental Entity? No

☐

Yes

If you answered "yes" to any of the above questions, please provide details regarding the finding of non-responsibility below.

Governmental Entity: _____ -Date of Finding of Non-Responsibility: _____

Basis of Finding of Non-Responsibility: _____

(Add additional pages as necessary)

5. Has any Governmental Entity or other governmental agency terminated or withheld a Procurement Contract with the above-named individual or entity due to the intentional provision of false or incomplete information?

No

☐

☐ Yes

6. If yes, please provide details below.

Governmental Entity: _____

Date of Termination or Withholding of Contract: _____

Basis of Termination or Withholding: _____

(Add additional pages as necessary)

Offeror certifies that all information provided to Albany Port District Commission with respect to State Finance Law Section 139-k is complete, true and accurate. Submit form with original signature with Proposal.

By Signature: _____

Date: _____

EXHIBIT G:

Albany Port District Commission
106 Smith Boulevard ● Albany, New York 12202

IRAN ENERGY SECTOR DIVESTMENT COMPLIANCE

Printed Name of Entity Seeking to Enter into the Contract: _____

Printed Name and Title of Person Executing Certification: _____

Project Number: _____

Pursuant to New York State Finance Law §165-a, Iran Divestment Act of 2012 (Act), the Office of General Services is required to post on its web site a list of persons who have been determined to engage in investment activities in Iran ("prohibited entities list"), as defined by the Act. New York State Public Authorities Law § 2879-c, with certain exceptions, prohibits Albany Port District Commission from entering into or awarding a Contract with persons identified on the prohibited entities list.

CERTIFICATION:

By submission of this bid or proposal, each person (as defined in paragraph (e) of subdivision one of section one hundred sixty five-a of the state finance law) and each person signing on behalf of any other party certifies, and in the case of a joint bid or proposal or partnership each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each person is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State finance law.

STATE OF _____)

)ss.:

COUNTY OF _____)

The undersigned, being duly sworn, says (a) I am duly authorized to execute this Certification and (b) I hereby certify, under penalty of perjury, that the forgoing Certification is in all respects true and accurate.

Signature of Person Executing Certification: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary PublicSubmit form with original signatures

EXHIBIT H:

Albany Port District Commission
106 Smith Boulevard ● Albany, New York 12202

Certification Regarding Sexual Harassment Prevention Policies Pursuant to State Finance Law §139-l

By submission of this proposal, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint proposal each party thereto certifies as to its own organization, under penalty of perjury, that the bidder has and has implemented a written policy addressing sexual harassment prevention in the workplace and provides annual sexual harassment prevention training to all of its employees. Such policy shall, at a minimum, meet the requirements of section two hundred one-g of the labor law.

I, _____, hereby affirm, under penalty of perjury, that

Printed Name of Person Executing Certification

I am _____ of the above-named bidder, that I am

Printed Title of Person Executing Certification

authorized to make this certification on behalf of such bidder, and I further certify that this certification is true, accurate and complete to the best of my knowledge and belief.

The undersigned, being duly sworn, says (a) I am duly authorized to execute this Certification and (b) I hereby certify, under penalty of perjury, that the forgoing Certification is in all respects true and accurate.

signature

STATE OF _____)

) ss.:

COUNTY OF _____)

On this _____ day of _____, 20____, before me personally came

_____, to me known and known to me to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she executed the same.

Notary Public Submit form with original signatures

EXHIBIT I:**ENCOURAGING USE OF NEW YORK STATE BUSINESSES IN CONTRACT PERFORMANCE**

New York State businesses have a substantial presence in State contracts and strongly contribute to the economies of the state and the nation. In recognition of their economic activity and leadership in doing business in New York State, bidders/proposers for this contract for commodities, services or technology are strongly encouraged and expected to consider New York State businesses in the fulfillment of the requirements of the contract. Such partnering may be as subcontractors, suppliers, protégés or other supporting roles.

Bidders/proposers need to be aware that all authorized users of this contract will be strongly encouraged, to the maximum extent practical and consistent with legal requirements, to use responsible and responsive New York State businesses in purchasing commodities that are of equal quality and functionality and in utilizing services and technology. Furthermore, bidders/proposers are reminded that they must continue to utilize small, minority and women-owned businesses, consistent with current State law.

Utilizing New York State businesses in State contracts will help create more private sector jobs, rebuild New York's infrastructure, and maximize economic activity to the mutual benefit of the vendor and its New York State business partners. New York State businesses will promote the vendor's optimal performance under the contract, thereby fully benefiting the public sector programs that are supported by associated procurements.

Public procurements can drive and improve the State's economic engine through promotion of the use of New York businesses by its vendors. The State therefore expects bidders/proposers to provide maximum assistance to New York businesses in their use of the contract. The potential participation by all kinds of New York businesses will deliver great value to the State and its taxpayers.

Bidders/proposers can demonstrate their commitment to the use of New York State businesses by responding to the question below:

Will New York State Businesses be used in the performance of this contract? ☐

Yes

☐ No Project Number: _____

If yes, identify New York State Business(es) that will be used; (list identifying information below).

(Attach additional identifying information with the bid as required) Date: _____

Signature: _____

Print Name and Title: _____

Vendor Name: _____

Vendor Address: _____

EXHIBIT J:**Albany Port District Commission****H. Carl McCall SUNY Building 353 Broadway ● Albany, New York 12246****EO 177 Certification**

The New York State Human Rights Law, Article 15 of the Executive Law, prohibits discrimination and harassment based on age, race, creed, color, national origin, sex, pregnancy or pregnancy-related conditions, sexual orientation, gender identity, disability, marital status, familial status, domestic violence victim status, prior arrest or conviction record, military status or predisposing genetic characteristics.

The Human Rights Law may also require reasonable accommodation for persons with disabilities and pregnancy-related conditions. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner. The Human Rights Law may also require reasonable accommodation in employment on the basis of Sabbath observance or religious practices.

Generally, the Human Rights Law applies to:

- all employers of four or more people, employment agencies, labor organizations and apprenticeship training programs in all instances of discrimination or harassment;
- employers with fewer than four employees in all cases involving sexual harassment; and,
- any employer of domestic workers in cases involving sexual harassment or harassment based on gender, race, religion or national origin.

In accordance with Executive Order No. 177, the Bidder hereby certifies that it does not have institutional policies or practices that fail to address the harassment and discrimination of individuals on the basis of their age, race, creed, color, national origin, sex, sexual orientation, gender identity, disability, marital status, military status, or other protected status under the Human Rights Law.

Executive Order No. 177 and this certification do not affect institutional policies or practices that are protected by existing law, including but not limited to the First Amendment of the United States Constitution, Article 1, Section 3 of the New York State Constitution, and Section 296(11) of the New York State Human Rights Law.

Vendor Name: _____

Print Name and Title: _____

Signature: _____

EXHIBIT K:

State of New York

WORKERS' COMPENSATION BOARD

**THIS AGENCY EMPLOYS AND SERVES PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION. ROBERT
R. SNASHAIL CHAIRMAN**

Dear Sir/Madam:

The Workers' Compensation Law requires that a New York State or municipal agency, department, board, commission, or office issues any permit or license, the applicant must submit to such agency or department, proof that he or she has obtained the required workers' compensation and disability benefits coverage, or that he or she is not required to provide coverage under these Laws. (See attached copies of Section 57 of the Workers' Compensation Law and Section 220, subd. 8 of the Disability Benefits Law.) These requirements also apply to the renewal of an application for a permit or license, and any and all work covered by the permit or license, whether or not a governmental agency is involved.

In addition, effective April 7, 1993, Chapter 213 amended the above Laws to require that before a New York State or municipal agency, department, board, commission, or office enters into any contract, the contractor must also submit proof that he or she has obtained the required workers' compensation and disability benefits coverage, or that he or she is not required to provide coverage. These requirements also apply to the renewal of such contracts.

I would appreciate your notifying the permit-issuing and contract-making agencies or departments within your jurisdiction of these requirements so that they may be able to comply with the Law. State Agencies are specifically requested to notify each department or group within their agency, which issues licenses or permits or makes contracts, of the Law's requirements.

Enclosed are samples of Forms C-105.2 and DB-120.1 (Certificates of Insurance), and Form SI-12 (Affidavit Certifying That Compensation has Been Secured), which are designed to provide necessary proof of coverage when completed by the insurance canter and/or the Workers' Compensation Board. Also enclosed is a sample of Form DB-155 (Compliance with DB Law), which may be submitted by self-insured employers under Disability Benefits Law as acceptable proof that disability benefits coverage has been obtained.

Please note that it is acceptable for employers insured by the State Insurance Fund to submit the Fund's computer-generated certificate of insurance as proof of coverage, Form U-26.3 (sample enclosed), in place of prescribed Form C-105.2.

Employers who are not required by Law to provide workers' compensation and/or disability benefits coverage must submit Form C-

105.21 (Statement That Applicant Does Not Require W.C. or D.B. Coverage), which when completed by the Workers' Compensation Board is proof that the applicant is not required to carry either type of insurance.

Thank you for your assistance in the enforcement of the above. If you require additional information regarding this or any other workers' compensation or disability benefits matter, please feel free to contact Mr. Frank Rends, Director, WC Compliance, Workers' Compensation Board, 100 Broadway-Menands, Albany, New York 12241 [telephone number (518) 486-51171.

**STATE OF NEW YORK WORKERS
COMPENSATION
BOARD APPLICATION FOR
CERTIFICATE OF WORKERS'
COMPENSATION INSURANCE**

The undersigned Employer desires to obtain a Certificate of Workers' Compensation Insurance from the Insurance Carrier:
as satisfactory proof required under the provisions of Section 57 of the Workers' Compensation Law, to

Name: _____

(Name of Bureau, Department, Corporation, Firm or Individual)

Address: _____

Locations of operations: _____

Date operations to begin: _____

Telephone No.: _____

Signature: _____

(Name & Title) _____

(Name of Employer) _____

(Date)

NOTE: This application must be signed by the Employer if an individual, or if a co-partnership by member of the co- partnership, or by an officer if a corporation.

CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

This is to certify that _____
(Name of individual, partnership, or corporation)

is insured with _____
(Name of insurance provider)

under Policy No. _____

COV

_____ covering the entire obligation of this employer for workers' compensation under the New York Workers' Compensation Law with respect to the locations named in the foregoing application.

The policy term covers the period from _____

To _____. If said policy is changed or cancelled during its term in such manner as to affect this Certificate, thirty (30) days written notice of such change or cancellation shall be provided to the Owner, and ten (10) days written notice in the event of cancellation for non-payment of premiums.

Signature: _____

(Name, Title, Date)

Telephone No. _____

Title _____

THE WORKERS' COMPENSATION BOARD EMPLOYS AND SERVES PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION

C-105.2(10-94

